

**MINUTES OF A MEETING OF THE HUMAN RESOURCES COMMITTEE OF
ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL (A&LCC) HELD ON 28
MARCH 2018 at 6.00pm in the Council Chamber, Mitre Street, Abertillery**

Present: **Councillors:** Steve Bard (Chairman) (in the Chair), Ivor Beynon, Julie Holt and Graham White

Officers: Steve Edwards, Deputy Clerk and Richard Gwinnell, Clerk

Others: None

HR13. APOLOGIES FOR ABSENCE

None.

HR14. DECLARATIONS OF INTEREST

No members declared any personal or pecuniary interests.

HR15. HEALTH AND SAFETY REPORT

The Clerk reported on the fire risk assessment carried out by Blaenau Gwent CBC officers and the office risk assessment carried out by the Deputy Clerk. He reported that all significant risks had been dealt with (particularly ensuring fire escapes were accessible, fire evacuation procedures had been reviewed and regular checks were undertaken on fire equipment) and that work was progressing on various other less urgent issues identified in the reports. He referred to the current uncertainty around who had access to the building and asked the committee to review who had key fob access to the building, in the context of lone working, health and safety, fire safety, building security and insurance of risks.

Members debated whether members needed access to the building by key fob and what reasons they would have to access the building without staff being present.

Three members were of the view that members did not need key fobs. They argued (main points) that:

- members should only be in the building when staff were present
- members would have no need to come to the building when staff were absent
- members could not get in to the Clerk's office as access was code-protected
- if staff were present, they let members in, using the intercom system
- some members had key fobs but had never used or needed to use them
- all other council buildings had front door access controls or security
- the Council had an important duty of care to staff and must limit access
- the Council should make the final decision on a recommendation from this committee
- one or two members should have access, in case of emergency
- this would most appropriately be the Chair and Vice Chair of the Council.

Councillor White argued (main points) that:

- the building was not secure anyway; anyone could get in at times
- if a councillor wanted a key fob, the Council must supply them with one

- this was a matter of accepted practice and members' rights
- some members had key fobs, others did not; this was discrimination
- members needed access to the building in case they wanted a meeting
- having access to the building was an important part of being a councillor
- the fire service would have keys to get in the building.

Following a motion from Councillor Holt, the Committee:

RESOLVED to recommend to the Council on 25 April 2018:

- (1) that access to the building for members by key fob be restricted
- (2) that only two members should have key fobs; those members being the Chair and Vice Chair of the Council for the time being, in case of emergency, on the basis that all other members already had access to the building whenever staff were present and no greater access was required or appropriate
- (3) that the incumbent's key fob be passed to the incoming Chair or Vice Chair, as the case may be, when a new Chair or Vice Chair is elected in future and
- (4) that all key fobs currently in the possession of members be collected in (except for the Chair's and Vice-Chair's key fobs).

HR16. EXCLUSION OF THE PRESS AND PUBLIC

The Committee **RESOLVED** (with 3 members voting in favour and 1 abstaining) to exclude the press and public from the meeting for the following items of business, by virtue of The Public Bodies (Admission to Meetings) Act 1960, on the grounds that disclosure of the matters to be discussed would be prejudicial to the public interest by reason of the confidential nature of those matters.

HR17. POLICY FOR DEALING WITH UNREASONABLY PERSISTENT CUSTOMERS AND COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

The Clerk reminded members of the policy adopted by the Council in July 2017 and circulated copies for members to refer to. He referred to the extensive amount of email traffic received from a regular correspondent and outlined the number and regularity of emails received, with many containing overlapping Freedom of Information and other requests, in relation to some of which the requester already knew the answers, given the history and content of the correspondence.

The Chairman and two other members expressed similar views, that (main points):

- a member of the public (not named in these minutes for the protection of his identity) had become an unreasonably persistent correspondent
- the amount of work he created was beyond feasible for the Council's two part-time staff to cope with
- he had a clear fixation with the same issues, asking similar questions on the same subjects over and over again
- his queries and a formal complaint had been dealt with comprehensively
- he met many of the definitions set out in the policy, of what an unreasonably persistent and/or vexatious complainant may do (many examples were given of the person's behaviour and its relevance to the policy criteria)
- he appeared to be deliberately trying to "bog the Council down".

Councillor White stated that he had been friends with the person concerned for many years. He argued that (main points):

- the person had submitted a complaint, only part of which had been dealt with
- this was due to a personal interest relating to a former councillor and a former employee
- the person had been offered a chance to present his case to the complaints committee but did not wish to come to the building
- the change of name of the Employee Panel was an important issue
- papers could not be changed in retrospect; proper audit trails were needed
- until an old panel was dissolved, a new panel could not be created
- the person may be a nuisance but was not vexatious.

The Chairman and two other members responded and expressed views (main points) that:

- the person's complaint had been investigated, dealt with and responded to thoroughly, a long time ago
- the person had been offered a separate investigation and hearing of one particular aspect of his complaint, but he had refused that offer
- the matters referred to by Councillor White had been dealt with as part of the complaint
- the Council had acknowledged and apologised for past mistakes
- the Council's current staff had acted in the best way possible
- there was nothing untoward to be concerned about
- the person was relentless in his correspondence
- the workload of staff was substantially higher as a result than it should be
- continually looking back to years gone by was not helpful
- raising the same issue 30 times was not helpful
- staff currently had no choice but to read and respond to the correspondence.

Following further comments and suggestions, the Committee **RESOLVED that:**

- correspondence with the person concerned be restricted in line with the policy
- the Council refuse to register any further complaints or requests regarding the same matters
- the Council refuse to deal with any further requests on the same matters
- the Council inform the person concerned that it would not reply to or acknowledge any further contact on those topics
- those topics were the name and status of the Employee Panel, Employment Panel, Employment Liaison Panel, staff appointments and any other related issues about which the person had previously complained or corresponded on a number of occasions (the list to be finalised by the Clerk and Chairman)
- the Clerk write to the person concerned in line with part 4.2 of the policy
- the Clerk take any further action under part 4.3 of the policy if that became necessary
- the Clerk draft the letter in liaison with the Chairman of the Council.

Councillor White asked to see the letter before it was sent. Other members stated that it was not necessary for individual members to see it.

HR18. STAFF APPRAISALS AND PAY IMPLICATIONS

The Clerk circulated the appraisal form used in the recent appraisals of the Clerk and Deputy Clerk. These had been based on best practice and templates issued by ACAS, One Voice Wales and the Society of Local Council Clerks.

The Chairman stated that he had conducted the Clerk's performance appraisal earlier in March. They had also agreed future objectives, priorities and training. There were no objectives or priorities previously, as no formal appraisal had been carried out in the past, so the job description had to be relied upon. The objectives and priorities agreed would roll forward and form the basis of future years' appraisals. He had also agreed that it may be appropriate to review the job description during the year ahead. The Clerk's performance was satisfactory, so he should progress to the next increment of his pay band automatically, in line with his contract.

The Clerk stated that he had carried out the Deputy Clerk's appraisal earlier in March and the Deputy Clerk's performance was also satisfactory. The same applied to the Deputy Clerk in terms of rolling forward the appraisal and the salary implications.

The Vice Chair commented that the officers had come into a very difficult situation when they started with A&LCC and had successfully turned things around.

Councillor White commented that the Clerk and Deputy Clerk were not qualified and that it took four years to become fully qualified as a Clerk.

Other members stated that there were no established minimum qualifications for Clerks and that most adverts for Clerks emphasised experience over qualifications. Reference was made to both officers' extensive experience (30 years plus each) in local government and civil service roles.

The Deputy Clerk pointed out that he and the Clerk had undertaken ILCA in their first year and that no qualifications were asked for in the adverts for the jobs. Only a handful of Clerks in Wales had the full CILCA qualification, which may take up to 4 years to attain.

The Chairman stated that this was another distraction. Appraisals had been carried out in line with best practice and employee performance was more than satisfactory. It was appropriate for line managers to carry out appraisals. He had carried out appraisals before, the staff were both entitled contractually to one increment and this had been budgeted for.

He moved that the committee agree that performance was satisfactory and that one increment be paid to each member of staff accordingly from 1 April 2018, in line with their contracts. The motion was seconded.

Councillor White questioned the qualifications of two members of the committee to decide this matter. He stated that this should be a full Council decision.

The Chairman pointed out that the committee had delegated powers to decide on staff appraisals and pay. The Council had already budgeted for these increments. The staff were also contractually entitled to them as performance was satisfactory, based on proper and thorough appraisals. He put it to the vote and:

The Committee **RESOLVED** (3 members voting in favour and 1 against):

- (1) that the performance of the staff was satisfactory based on the appraisals carried out and
- (2) that the staff be paid one increment each from 1 April 2018, based on their contractual terms.

HR19. URGENT BUSINESS: FACEBOOK COMMENTS BY A COUNCILLOR

The Chairman stated that he had agreed to accept this as urgent business, because this was an important issue, comments had been made in the last few days and this would not await the committee's next meeting.

Councillor White objected to this matter being considered as it was not on the agenda.

The Chairman and other members commented that:

- a councillor was posting "utterly derogatory" comments on Facebook about staff and other councillors
- they were commenting on Facebook about staff wages, which was wrong
- the comments about staff pay were totally inaccurate
- comments such as that someone could not be trusted had a negative effect on those concerned and could be seen by colleagues, family and friends
- a complaint could be made to the Public Services Ombudsman (PSO) for Wales, that the councillor was breaching the Code of Conduct.

Councillor White commented that:

- staff wages were in the public domain, so could be commented on
- the councillor could be bringing the Council into disrepute
- the PSO said people had to go to the Monitoring Officer first
- the Monitoring Officer did not wish to deal with such complaints.

The Chairman stated that this was clearly a matter for the PSO for Wales, if someone chose to complain of a breach of the Member Code of Conduct. It was not therefore within the remit of this committee to deal with and could only be noted.

The Committee **NOTED** the situation.

The meeting ended at 7.05pm.

Signed as a correct record by the Chair

NB these minutes are a summary of the proceedings and record of the decisions taken. They are not intended to be a verbatim record.

Minutes produced by Richard Gwinnell, Clerk